

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2321

EDDY SUCIPTO,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

No. 05-1359

EDDY SUCIPTO,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A97-186-985)

Submitted: June 20, 2005

Decided: August 5, 2005

Before WILKINSON, TRAXLER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

H. Raymond Fasano, MADEO & FESANO, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Michelle Gorden, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C.; Gregory Victor Davis, DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Eddy Sucipto, a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals (Board) adopting and affirming the Immigration Judge's (IJ) denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture.* Sucipto contends that he established eligibility for asylum. As the IJ and Board concluded that the asylum application was untimely, we find that consideration of Sucipto's asylum claim is barred. See 8 U.S.C. § 1158(a)(3) (2000).

Sucipto also challenges the finding that he failed to qualify for withholding of removal. See Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Sucipto fails to show that the evidence compels a contrary result.

*Sucipto also seeks review of the Board's order of March 8, 2005, denying his motion to reopen. He has not, however, presented any claims to the court regarding this order. Likewise, he has not challenged the denial of protection under the Convention Against Torture.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED